

Introduced by Senator Wright

February 14, 2009

An act to add Section 1367.655 to the Health and Safety Code, and to add Section 10123.205 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

SB 161, as introduced, Wright. Health care coverage: chemotherapy treatment.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law requires health care service plan contracts and health insurance policies to provide coverage for all generally medically accepted cancer screening tests and requires those plans and policies to also provide coverage for the treatment of breast cancer. Existing law imposes various requirements on contracts and policies that cover prescription drug benefits.

This bill would require health care service plan contracts and health insurance policies that provide coverage for cancer chemotherapy treatment to provide coverage for prescribed, orally administered anticancer medications, as specified, on a basis no less favorable than intravenously administered or injected cancer medications covered under the contracts or policies.

Because a willful violation of the bill's requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1367.655 is added to the Health and
2 Safety Code, to read:

3 1367.655. A health care service plan contract issued, amended,
4 or renewed on or after January 1, 2010, that provides coverage for
5 cancer chemotherapy treatment shall provide coverage for a
6 prescribed, orally administered cancer medication used to kill or
7 slow the growth of cancerous cells on a basis no less favorable
8 than intravenously administered or injected cancer medications
9 covered under the contract.

10 SEC. 2. Section 10123.205 is added to the Insurance Code, to
11 read:

12 10123.205. A health insurance policy issued, amended, or
13 renewed on or after January 1, 2010, that provides coverage for
14 cancer chemotherapy treatment shall provide coverage for a
15 prescribed, orally administered cancer medication used to kill or
16 slow the growth of cancerous cells on a basis no less favorable
17 than intravenously administered or injected cancer medications
18 covered under the policy.

19 SEC. 3. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

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